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MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: INSCO-In Scope

FR CITE: 77 FR 48965 FR CITE DATE: 08/15/2012

REFERENCE 9299202, 1038308
MESSAGE #
(s):

CASE #(s): A-570-814

EFFECTIVE DATE: 08/15/2012 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Amended scope determination on antidumping duty order on certain carbon steel butt-weld pipe fittings from the People's Republic of China (A-570-814).

1. On 10/21/2009, in response to a request by King Architectural Metals, Commerce issued a final scope determination that certain carbon steel butt-weld pipe fittings (pipe fittings) which King Architectural Metals imports are within the scope of the antidumping duty order on pipe fittings from the People's Republic of China (A-570-814) (Message 9299202). Because the imported product met the physical description found in the scope, Commerce found this product to be within the scope of the order.

2. On 09/30/2010, the United States Court of International Trade (CIT) issued a decision in King Supply Co. LLC, d/b/a King Architectural Metals v. United States, Slip Op. 10-111, Court No. 09-00477 (September 30, 2010) (King Supply I), not in harmony with the final scope ruling issued by Commerce on 10/21/2009. The CIT determined that the scope language of the order contains an end-use element that resulted in the exclusion of pipe fittings used to join sections in structural applications from the order. Therefore, the CIT ordered Commerce to issue a scope determination that construes the scope of the order as excluding pipe fittings used in structural applications.

3. On 12/01/2010, Commerce issued its final results of redetermination pursuant to King Supply I. Pursuant to the remand order in King Supply I, Commerce construed the scope of the order as excluding pipe fittings used only in structural applications, including those from King Architectural Metals. On 01/06/2011, in King Supply Co. LLC, d/b/a King Architectural Metals v. United States, Slip Op. 11-2, Court No. 09-477 (January 6, 2011) (King Supply II), the CIT sustained Commerce's remand redetermination (Message 1038308). Therefore, on January 26, 2011, Commerce published in the Federal Register a "Notice of Court Decision Not In Harmony With Final Scope Ruling And Notice Of Amended Final Scope Ruling Pursuant To Court Decision" (76 FR 4633).

4. On 03/27/2012, the U.S. Court of Appeals for the Federal Circuit (CAFC), in King Supply Co. LLC, d/b/a King Architectural Metals v. United States, 674 F.3d 1343 (Fed. Cir. 2012) (King Supply III), reversed the decision of the CIT in King Supply II. The CAFC found that it was reasonable for Commerce to have read the scope language at issue as not constituting an end-use restriction and that Commerce's original scope ruling was supported by substantial evidence. On

08/15/2012, Commerce issued an amended final scope ruling in accordance with the CAFC's decision, finding that pipe fittings used in structural applications imported by King Architectural Metals are within the scope of the order.

5. Continue to suspend liquidation of entries of pipe fittings used only in structural applications from the People's Republic of China, including those imported by King Architectural Metals, which are subject to the antidumping duty order on pipe fittings from the People's Republic of China at the applicable cash deposit rate. The zero percent cash deposit rate stated in Message 1038308 no longer applies.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OV: SDH.)

7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party